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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.898 OF 2003

Shakun Kanayalal Luthria)..Plaintiff

Versus

Bhagwandas Thakkar)..Defendant

Mr.P.S. Anand for the Plaintiff.

Mr.Sanjay Udeshi for the Defendant.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 2ND MAY 2006

P.C.:

. Summons for Judgment in respect of this Suit was decided on 25th July 2005. This Court had granted conditional leave, on the Defendant depositing the principal amount within a period of four weeks from that date.

2. Non-deposit certificate has been filed by the Plaintiff showing that the Defendant has failed to deposit the amount.

3. The Suit has been filed on the basis of receipt which was issued by the Defendant confirming advance received from the Plaintiff. The Defendant had undertaken to repay the debt with interest. Part

payment in respect of the liability has been made by the Defendant. The Plaintiff, therefore, claims a decree since the balance amount is yet to be paid.

4. The Plaintiff has tendered the original documents which support the case made out by the Plaintiff.

5. Hence, Suit decreed as prayed for.

6. Decree expedited.